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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

PAUL MANEY; GARY CLIFT; GEORGE NULPH; THERON HALL; DAVID HART; SHERYL LYNN SUBLET; and FELISHIA RAMIREZ, personal representative for the ESTATE OF JUAN TRISTAN, individually, on behalf of a class of other similarly situated,

Plaintiffs,

v.

STATE OF OREGON; KATE BROWN, COLETTE PETERS; HEIDI STEWARD; MIKE GOWER; MARK NOOTH; ROB PERSSON; KEN JESKE; PATRICK ALLEN; JOE BUGHER; and GARRY RUSSELL,

Defendants.

Case No. 6:20-cv-00570-SB

DECLARATION OF NATHAN MOSELY,
SID #19690920

I, Nathan Mosely, declare as follows.

1. My name is Nathan Mosely, and I make this declaration in support of Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment.

2. I was continuously incarcerated at South Fork Forest Camp (SFFC) from November of 2018 through May 2022.

3. The following statements are based of my recollection of personal observations and experiences during approximately the months of March 2020, to December of 2021.

4. I observed certain barriers to Adults in Custody (AIC) testing for COVID-19 at SFFC.

a. There is no onsite medical at SFFC; a nurse from Columbia River Correctional Institution comes to SFFC several times a week based on caseload and need. This never changed throughout the duration of the pandemic. For this reason, a positive test result ensured being shipped to another institution. Many AICs were less likely to request a test as a result. SFFC is the only institution individuals actually fight to get into and people were afraid to test positive, get shipped out, and lose their place in the institution.

b. Furthermore, the lack of constant medical presence on campus resulted in delays for testing. If an AIC reported symptoms or requested a test, they would have to schedule an appointment and wait until the next time the nurse came out to SFFC. Sometimes this could be the next day, sometimes multiple days later. In the meantime, the AIC would remain in the cabins or dorms with the other AICs.

5. It is my observation that social distancing measures were not seriously enforced.

a. SFFC is unique from other institutions in the physical layout, there are no close-celled units; all housing units are open air shared spaces. There are approximately 12 cabins, roughly 22'x20' in size, with four bunk beds and four single beds. The beds are approximately two feet apart. There is one dorm-style building that houses 100 AICs in 50 bunks which are approximately 2-3 feet apart. Social distancing was not possible.

b. There was no social distancing in chow hall or onsite workplaces.

- c. There was a brief attempt in approximately late 2020 to early 2021 to have social distancing between AICs in the chow line, but when AICs were in the chow line, there was not social distancing.
- d. For a very brief amount of time staff separated meal time cabin by cabin and then the dorm separately. They attempted to keep us in ‘bubbles.’
- e. AICs from different cabins would attend the same workplaces throughout the camp. This occurred even when AICs were separated for chow by cabin/dorm (rendering that practice useless). AICs from different living quarters would work in the kitchen, laundry, admin areas, Oregon Department of Forestry shop, etc. at any one given time. AICs from different living spaces were mixing everyday.

6. Around the middle of 2021, I recall there were active transports into SFFC of approximately 6-7 AICs from other institutions around 2 and over approximately six months.

7. It was my feeling that COVID-19 was not taken very seriously by Correctional Officers (COs) nor AICs at the start of the pandemic into 2021. We lived in a unique environment, in a bubble, and did not have an extremely high rate of positive cases for a long time. I overheard a handful of staff and COs make statements aligning with the belief that COVID-19 was a “hoax” and denied the validity. It is my belief that AICs may not have taken COVID as seriously as a result of the attitudes of the COs.

8. Most officers were not wearing masks for quite some time into the pandemic, unless superiors came around. Again, I believe this influenced how many AICs were serious about masking. There was a sense of “If they aren’t taking this seriously, why should we?”

9. I observed that most officers wore gaiters and handkerchiefs instead of medical grade masks.

10. It is my recollection that AICs at SFFC did not receive masks until some time in late 2020. They were cloth masks manufactured by AICs in the Oregon Correctional Enterprises (OCE) garment factory. It would take months to receive masks; we would receive 1-2 masks

every few months. Masks were like any other state issued item – you’re issued a certain number of pants, shirts, underwear, socks, etc. per month/months and it is your responsibility to wash them until the next time they are issued. Masks were treated no different.

- a. At some point in time, AICs were made aware that N-95 masks were available upon request. There was never a mandate for AICs to wear N-95 masks.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 6th day of January, 2024.

/s/ Nathan Moseley
Nathan Moseley, SID#19690920